

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

GARY CASSANO,

No. C 12-5144 WHA (PR)

Plaintiff,

**ORDER GRANTING MOTION TO
STAY DISCOVERY AND MOTION
FOR EXTENSION OF TIME;
INSTRUCTIONS TO CLERK TO RE-
ISSUE SUMMONS FOR SERVICE**

v.

M. JOHNSON, MR. ROGERS, C.O.
HILL; SERGEANT BOHANNON;;

Defendants

(Docket Nos. 18, 21)

Plaintiff, a California prisoner proceeding pro se, filed this civil rights action under 42 U.S.C. 1983. After a review of the complaint, it was ordered served upon two of the defendants, M. Johnson and Mr. Rogers. According to plaintiff, both of these defendants were located at the California Training Facility (“CTF”). The United States Marshal was only able to serve Rogers there, as CTF officials informed the Marshal that M. Johnson is now located at Pleasant Valley State Prison. Rogers has filed a motion to dismiss the claims against him under Rule 12(b)(6) of the Federal Rules of Civil Procedure. Plaintiff has filed a motion for an extension of time to oppose Rogers’s motion to dismiss, and Rogers has filed a motion to stay discovery until his motion to dismiss is resolved.

It is hereby ordered as follows:

1. The clerk shall issue summons and the United States Marshal shall serve, without prepayment of fees, a copy of the complaint with all attachments thereto, a copy of the order of

1 service (dkt.7) and a copy of this order upon defendant **M. Johnson** at **the Pleasant Valley**
2 **State Prison, P.O. Box 8500, Coalinga, California, 93210.**

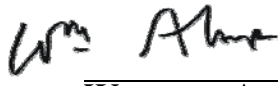
3 2. Defendants Rogers and Johnson **shall** file an answer to the complaint in accordance
4 with the Federal Rules of Civil Procedure.

5 3. Good cause appearing, plaintiff's motion for an extension of time in which to file an
6 opposition to defendant Rogers's motion to dismiss is **GRANTED**. The opposition is due on or
7 before **August 1, 2013**. Defendant Rogers **shall** file a reply brief within **14 days** of the date the
8 opposition is filed.

9 4. Defendant Rogers's motion to stay discovery until resolution of his motion to dismiss
10 is **GRANTED**. This stay will automatically lift on the date of any order denying the motion to
11 dismiss in full or in part.

12 IT IS SO ORDERED.

13 Dated: June 10, 2013.

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16 WILLIAM ALSUP
17 UNITED STATES DISTRICT JUDGE
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